

Remarks

Currently claims 1, 3-10, 17, 24, 27-29 and 36 are pending. Claim 36 has been added. Claims 11, 30, 31 and 33-35 have been withdrawn. Claims 2, 12-16, 18-23, 25, 26 and 32 have been cancelled. Claims 1, 17, 24 and 27-29 have been amended.

Rejections Under Section 112

Pending claims 1, 3-10 and 29 stand preliminary rejected under 35 U.S.C. § 112 for an incorrect antecedent basis. Claims 1, 11 and 29 have been amended to correct typographical errors. Applicant respectfully submits that claims 1, 11 and 29 and by extension their dependent claims, as amended, comply with 35 U.S.C. § 112. These amendments are not made for reasons of patentability.

Rejections Under Section 102

Pending claims 1, 3-10, 17, 24 and 27-29 stand preliminary rejected under 35 U.S.C. § 102(b) in view of Wood (U.S. Patent No. 1,602,424). Claims 1 and 17 have been modified to more clearly define the invention. Claim 1, as amended, claims a trailer bed with a dump end, a trailer frame with at least one axle, and a hinge arm with a first end portion fixed to the trailer bed at a horizontal distance offset from the axle in the opposite direction of the trailer bed dump end and a second end portion mounted to the axle such that the connection between the trailer bed and the axle is non-vertical. Claim 17, as amended, claims a trailer frame with a back portion, a trailer bed mounted to the trailer frame where the trailer bed is movable between a lowered position and a raised position, and at least one hinge arm connected to the trailer bed at a connection location and further connected to the trailer frame, where the closest connection between the trailer bed and the trailer frame is non-vertical and the hinge arm operates to move

the connection location upward and backward relative to the trailer frame when the trailer is moved between the lowered and raised positions. Applicant respectfully asserts that claims 1 and 17, as amended, are allowable over Wood under 35 U.S.C. § 102. Claims 3-10, 24 and 27-29 are dependent on claims 1 and 17 and are allowable for at least this reason.

Alternatively, Applicant respectfully submits that the Wood reference is not part of the relevant prior art in this case because it is a non-analogous. A proper reference in an obviousness analysis must be either (1) in the field of the Applicant's endeavor, or (2) reasonably pertinent to the inventor's particular problem. MPEP § 2141.01(a) (quoting *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992))." On its face, the Wood reference discloses a child's toy (Wood, page 1, line 1 and page 2, line 57). This is not in the field of the present invention, which, in contrast, is concerned with full sized self-propelled vehicles capable of transporting people and materials of considerable weight.

Wood is also not reasonably pertinent to the Applicant's particular problem. The present invention is concerned with, among other aspects, transferring asphalt pavement material from a dump trailer, over a retaining wall of a paving machine hopper without the dump trailer contacting the paving machine, and into the hopper. Conversely, Wood's goal is to provide an improved dump bed return cylinder for a toy truck that slowly returns the dump bed to the raised position and does not leak oil when compressed (page 2, lines 33-67).

Rejections Under Section 103

Pending claims 7-10 stand preliminary rejected under 35 U.S.C. § 103(a) in view of Wood. Applicant asserts that claim 1, as amended, is allowable. Claims 7-10 are dependent on claim 1 and are allowable under 35 U.S.C. § 103(a) for at least this reason.

Additionally, even if considered, Wood does not teach or suggest all claim limitations of claims 7-10 as amended. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03 (*citing In re Royka*, 490 F.2d 981 (CCPA 1974) (emphasis in original)). Wood does not teach or suggest the elements of claim 1 combined with a full-length, semi-length, full frame or half frame trailer. Claim 7-10 are therefore allowable for at least this reason as well.

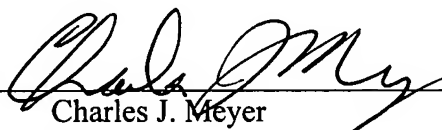
Added Claim

Applicant has added claim 36 to further define the invention. Claim 36 does not add new matter and is believed allowable over the cited art of record.

In summary, Applicant has amended claims 1, 17, 24 and 27-29, added claim 36, amended FIGS. 2 and 3 to correct typographical errors, and amended page 7 of the specification to correct a typographical error. Applicant respectfully submits that all pending claims, as amended, are allowable over the cited references and requests their approval. Applicant further asserts that the amended specification and drawings are in condition for allowance.

The Examiner is invited to contact the undersigned directly if it would be helpful to the advancement of this case.

Respectfully submitted,

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